

REMARKS

Claims 1-10 and 25-29 are pending in the application, claims 11-24 being canceled and claims 25-29 being newly added herein. Claims 1, 25, and 29 are the only independent claims.

Restriction Requirement

Claims 10-24 were subjected to a Restriction Requirement according to which the Examiner divided the claims into two groups, namely, Group I including claims 1-10 directed to a prosthesis, and Group II containing claims 11-24 drawn to a method for reshaping a portion of an organism. Applicant elected claims 1-10 (Group I) for continued prosecution in this application. The Examiner now makes the Restriction Requirement final.

In response to the finalization of the Restriction Requirement, applicant cancels claims 11-24 herein without prejudice to presenting those claims in a subsequent divisional application. The title has been amended to accord with the cancellation of the method claims.

Drawings

The drawings stand objected to under 37 C.F.R. § 1.84(p)(4) because the reference character "28" has been used to designate both valves and conduits.

In response to the objection to the drawings, applicant has amended the specification herein to correct a typographical error. Reference numeral "28" is now believed to refer exclusively to valves.

Claims Rejections - 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains that it is unclear what relationship the phrase "respective ones" establishes with the chamber.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-5, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,187,043 to Ledergerber

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ledergerber in view of U.S. Patent No. 6,102,929 to Conway

Applicant has amended claim 1 herein to provide a better definition of the invention.

Applicant respectfully maintains that claim 1 distinguishes the invention over the prior art and particularly over the art relied on by the Examiner in rejecting the claims of the instant application.

Claim 1 As recited in claim 1, a breast prosthesis comprises a body member made of biocompatible material, the body member having a plurality of separately inflatable chambers. The body member has an upper side positionable along an upper surface of a breast and a lower side positionable along a lower surface of the breast. The chambers include a first chamber disposed only on the first side of the body member and a second chamber disposed only on the second side of the body member. A plurality of fluid guide elements is provided, each operatively connected to a respective individual one of the chambers for enabling a differential filling of said chambers with fluid so that the first chamber and the second have respective different shapes.

Ledergerber discloses a breast prosthesis which is symmetrical about a central axis where the axis extends generally perpendicularly to a patient's chest wall upon implantation into the patient's breast. This symmetrical structure is shown in Figures 4, 5a, 5b, 7, and 18-23. In contrast, applicant contemplates an asymmetrical structure wherein, as set forth in amended claim 1, a chamber on an upper side is different and separate from a chamber on a lower side. There is no embodiment of the Ledergerber breast implant which has a first chamber on an upper side only and a second, different and separate, chamber on a lower side only. Instead, in the various embodiments of a breast

prosthesis as disclosed by Ledergerber, each chamber that is located on an upper side of the breast is also located on the lower side of the breast (as well as on the two lateral sides. In Figure 18, for example, each chamber (96) extends all around the implant (all around the axis of the implant). There is no embodiment disclosed in the Ledergerber reference wherein the chambers are differentially filled with fluid so that a chamber on an upper side of the breast and a chamber on a lower side of the breast have respective different shapes.

Claim 25 As set forth in new independent claim 25, a prosthesis comprises a body member made of biocompatible material, the body member having a plurality of separately inflatable chambers. A plurality of fluid guide elements are each operatively connected to a respective individual one of the chambers, thereby enabling a differential filling of the chambers with a fluid. A plurality of one-way valves are provided, each disposed between two adjacent chambers for enabling a transfer of fluid from one of the adjacent chambers to another of the adjacent chambers upon an application of an external compressive force to the one of the adjacent chambers, to increase a fill level in the one chamber.

This claim is equivalent to original claim 10 rewritten in independent form to overcome the rejection under Section 112, second paragraph. Applicant respectfully traverses the rejection of claim 10. Ledergerber discloses holes (106) between different chambers but does not disclose valves. The chambers enable an Equalization of pressure between the chambers. In contrast, applicant's invention enables adjacent chambers to have different pressures, depending on the shape of the body part to be reconstructed through use of applicant's prosthesis. Ledergerber discloses valves, but not between adjacent chambers. Instead, the valves of Ledergerber (col. 9, lines 65-67) are disposed on the outer surfaces of the chambers for enabling fluid escape into the biological environment (the breast tissues). The valves of the Conway reference are similarly between a

balloon and an external source, not between adjacent balloon chambers. Conway furnishes no impetus to one of ordinary skill in the art to provide one-way valves between adjacent chambers.

Claim 29 Claim 29 recites a wireless receiver. This element is not found in any of the references.

Conclusion

For the foregoing reasons, independent claims 1, 25, and 29, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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